

TRANSLATION**PATENT COOPERATION TREATY****PCT****INTERNATIONAL PRELIMINARY REPORT ON PATENTABILITY**

(Chapter II of the Patent Cooperation Treaty)

(PCT Article 36 and Rule 70)

Applicant's or agent's file reference 2003P07426WO	FOR FURTHER ACTION	See Form PCT/IPEA/416
International application No. PCT/EP2005/000471	International filing date (<i>day/month/year</i>) 19.01.2005	Priority date (<i>day/month/year</i>) 21.01.2004
International Patent Classification (IPC) or national classification and IPC G01D5/16		
Applicant SIEMENS VDO AUTOMOTIVE		

1.	This report is the international preliminary examination report, established by this International Preliminary Examining Authority under Article 35 and transmitted to the applicant according to Article 36.	
2.	This REPORT consists of a total of <u>5</u> sheets, including this cover sheet.	
3.	This report is also accompanied by ANNEXES, comprising: a. <input checked="" type="checkbox"/> (sent to the applicant and to the International Bureau) a total of <u>1</u> sheets, as follows: <input checked="" type="checkbox"/> sheets of the description, claims and/or drawings which have been amended and are the basis for this report and/or sheets containing rectifications authorized by this Authority (see Rule 70.16 and Section 607 of the Administrative Instructions). <input type="checkbox"/> sheets which supersede earlier sheets, but which this Authority considers contain an amendment that goes beyond the disclosure in the international application as filed, as indicated in item 4 of Box No. I and the Supplemental Box. b. <input type="checkbox"/> (sent to the International Bureau only) a total of _____, containing a sequence listing and/or tables related thereto, in computer readable form only, as indicated in the Supplemental Box Relating to Sequence Listing (see Section 802 of the Administrative Instructions).	
4.	This report contains indications relating to the following items: <input checked="" type="checkbox"/> Box No. I Basis of the report <input type="checkbox"/> Box No. II Priority <input type="checkbox"/> Box No. III Non-establishment of opinion with regard to novelty, inventive step and industrial applicability <input type="checkbox"/> Box No. IV Lack of unity of invention <input checked="" type="checkbox"/> Box No. V Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement <input type="checkbox"/> Box No. VI Certain documents cited <input type="checkbox"/> Box No. VII Certain defects in the international application <input type="checkbox"/> Box No. VIII Certain observations on the international application	

Date of submission of the demand	Date of completion of this report
Name and mailing address of the IPEA/EP	Authorized officer
Facsimile No.	Telephone No.

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Box No. I Basis of the report

1. With regard to the **language**, this report is based on the international application in the language in which it was filed, unless otherwise indicated under this item.
- ☐ This report is based on translations from the original language into the following language _____, which is the language of a translation furnished for the purposes of:
- ☐ international search (Rule 12.3 and 23.1(b))
- ☐ publication of the international application (Rule 12.4)
- ☐ international preliminary examination (Rule 55.2 and/or 55.3)
2. With regard to the **elements** of the international application, this report is based on *(replacement sheets which have been furnished to the receiving Office in response to an invitation under Article 14 are referred to in this report as "originally filed" and are not annexed to this report)*:
- ☐ the international application as originally filed/furnished
- ☒ the description:
- pages 1-3 _____ as originally filed/furnished
- pages* _____ received by this Authority on _____
- pages* _____ received by this Authority on _____
- ☒ the claims:
- nos. _____ as originally filed/furnished
- nos.* _____ as amended (together with any statement) under Article 19
- nos.* 1-5 _____ received by this Authority on 24.11.2005 with letter of 22.11.2005
- nos.* _____ received by this Authority on _____
- ☒ the drawings:
- sheets 1/1 _____ as originally filed/furnished
- sheets* _____ received by this Authority on _____
- sheets* _____ received by this Authority on _____
- ☐ a sequence listing and/or any related table(s) – see Supplemental Box Relating to Sequence Listing.
3. ☐ The amendments have resulted in the cancellation of:
- ☐ the description, pages _____
- ☐ the claims, nos. _____
- ☐ the drawings, sheets/figs _____
- ☐ the sequence listing (*specify*): _____
- ☐ any table(s) related to sequence listing (*specify*): _____
4. ☐ This report has been established as if (some of) the amendments annexed to this report and listed below had not been made, since they have been considered to go beyond the disclosure as filed, as indicated in the Supplemental Box (Rule 70.2(c)).
- ☐ the description, pages _____
- ☐ the claims, nos. _____
- ☐ the drawings, sheets/figs _____
- ☐ the sequence listing (*specify*): _____
- ☐ any table(s) related to sequence listing (*specify*): _____

* If item 4 applies, some or all of those sheets may be marked "superseded."

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Box No. V	Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement		
1.	Statement		
	Novelty (N)	Claims <u>1-5</u>	YES
		Claims _____	NO
	Inventive step (IS)	Claims <u>1-5</u>	YES
		Claims _____	NO
	Industrial applicability (IA)	Claims <u>1-5</u>	YES
		Claims _____	NO
2.	Citations and explanations (Rule 70.7)		
1.	Reference is made to the following documents:		
	<p>D1: EP-A-1 150 094 (KABUSHIKI KAISHA TOKAI RIKA DENKI SEISAKUSHO) 31 October 2001 (2001-10-31);</p> <p>D2: US-A-5 821 517 (VIEUX-ROCHAZ LIGNE ET AL) 13 October 1998 (1998-10-13).</p>		
2.	INDEPENDENT CLAIM 1		
2.1	<p>Document D1, which is considered to be the prior art closest to the subject matter of claim 1, describes (the references between parentheses apply to said document):</p> <ul style="list-style-type: none"> - a device for determining the angular position of a rotary member relative to a holder (paragraph 0014), which device includes: <ul style="list-style-type: none"> - a magnetic flux generator that is connected to said rotary member (paragraph 0015), is shaped like a ring or a ring portion and includes alternate poles forming a series of magnets that generate magnetic fluxes in substantially parallel 		

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	<p style="text-align: center;">directions (paragraphs 0016-0017); and</p> <p style="text-align: center;">- a magnetoresistive sensor connected to said holder (paragraph 0019)</p> <p>It follows that the subject matter of claim 1 differs from this known device in that said magnetic flux generator is cut out of a strip consisting of a series of constant-width lines that extend in a single direction and form said poles.</p> <p>2.2 It follows that the subject matter of claim 1 is novel (PCT Article 33(2)).</p> <p>2.3 The problem that the present invention is intended to solve can therefore be considered to be that of generating a magnetic flux using a ring-shaped magnetic flux generator, in such a way that the angle between said magnetic flux and a magnetoresistive sensor continuously varies depending on the angular position of a rotary member.</p> <p>2.4 The solution to this problem, as proposed in claim 1 of the present application, is not found in the prior art and cannot be derived in an obvious manner therefrom. It follows that the subject matter of claim 1 involves an inventive step (PCT Article 33(3)).</p>

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3.	DEPENDENT CLAIMS Claims 2-5 are dependent on claim 1 and, as such, therefore also fulfil the PCT requirements of novelty and inventive step.
4.	INDUSTRIAL APPLICABILITY The subject matter of claims 2-5 is industrially applicable in compliance with the requirements set forth in PCT Article 33(4).